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| 10/505,322 | 02/09/2005 | Carolus De Bie | GN02029 | 5229 |
| <div>7590 Robert A Sabourin Agfa Corporation Patent Department 200 Ballardvale Street Wilmington, MA 01069</div> | | | <div>EXAMINER KASSA, HILINA S</div> | |
| | | | <div>ART UNIT 2625</div> | <div>PAPER NUMBER</div> |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/505,322 | Applicant(s) DE BIE, CAROLUS | |
| | Examiner Hilina S. Kassa | Art Unit 2625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9 and 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/20/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The preliminary amendment submitted on 08/20/2004 has been acknowledged. The examiner also acknowledges the canceled claims 2 and 10 and the newly added claims 14-18.

Claim Objections

2. Claims 1 and 8 are objected to because of the following informalities:

In claim 1, line 10, “;” needs to be inserted at the end of limitation (ii) **“in said second output format”**.

In claim 8, line 19, “;” needs to be inserted at the end of limitation (ii) **“in said second output format”**.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 11, 12 and 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

(1) Claim 11 recites **“a computer program running on a computer”** which does not impart functionality to a computer or computing device, and is thus considered

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nonfunctional descriptive material. Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is thus non-statutory per se; While "functional descriptive material" may be claimed as a statutory product (i.e., a "manufacture") when embodied or stored on a tangible computer readable medium, therefore does not fall within one of the four statutory classes of § 101.

(2) Claim 12 recites "**a computer readable medium**" which does not impart functionality to a computer or computing device, and is thus considered nonfunctional descriptive material. Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is thus non-statutory per se; While "functional descriptive material" may be claimed as a statutory product (i.e., a "manufacture") when embodied or stored on a tangible computer readable medium, therefore does not fall within one of the four statutory classes of § 101.

(3) Claim 14 recites "**a computer program product**" which does not impart functionality to a computer or computing device, and is thus considered nonfunctional descriptive material. Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is thus non-statutory per se; While "functional descriptive material" may be claimed as a statutory product (i.e., a

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"manufacture") when embodied or stored on a tangible computer readable medium, therefore does not fall within one of the four statutory classes of § 101.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3-9, 11-14 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Azima et al. (US Patent Number 6,252,676 B1, see IDS).

(1) regarding claim 1:

As shown in figure 1, Azima et al. disclose a method for rendering input data simultaneously into output data in a first output format (68, figure 1; column 3, lines 59-61; note that each raster gets converted into TIFF format) and in a second output format (46, figure 1; column 3, lines 61-65; note that each of the selected subset of the rasters get converted and wrapped the TIFF format rasters in page description language), the method comprising the steps of:

defining a plurality of bands constituting said output data (column 3, lines 48-52; note that the output data includes creating a page having one or more separations with an imaging application);

for each specific band out of said plurality of bands:

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i) generating by a renderer from said input data first output data for said specific band in said first output format (column 5, lines 44-47, lines 61-63; note that the input image or file get RIPed and outputted to the first output format);

ii) generating, from said first output data, second output data for said specific band in said second output format (column 5, lines 44-47, column 6, lines 2-5; note that the input image or file get RIPed and outputted to the second output format)

sending said output data in said first output format to a main output device (column 7, lines 4-15; note that the output data is transmitted from the printer driver to the main output device i.e. the image setter);

and sending said output data in said second output format to a proofing device (column 7, lines 16-28; lines 30-36; note that the proofing device interprets the bitmap raster files or contone images to process the PDL that are sent).

(2) regarding claim 3:

Azima et al. further disclose the method according to claim 2 wherein said main output device is either an imagesetter or a platesetter (column 7, lines 4-15; note that the output data is transmitted from the printer driver to the main output device i.e. the imagesetter).

(3) regarding claim 4:

Azima et al. further disclose the method of claim 1 wherein said first output data for said specific band comprises data for a plurality of colors (column 6, lines 6-16; note that the imagesetter images the raster data for each color into film).



(4) regarding claim 5:

Azima et al. further disclose the method according to claim 1 further comprising the step of: descreening said first output data for said specific band (column 3, lines 21-27; note that descreening is utilized in order to combine to the descreened rasters into a proofer raster and imaging the proofer raster on an output device).

(5) regarding claim 6:

Azima et al. further disclose the method according to claim 1 further comprising the steps of:

temporarily storing a first portion of said first output data for said specific band wherein said first portion adjoins data for another specific band out of said plurality of bands (column 3, line 67-column 4, line 12; note that a preproofer selects a subset of the rasters for proofing and combining each of the subset of rasters to create a second page description language);

using said first portion of said first output data for said specific band for connecting said second output data for said specific band to said second output data for said other specific band (column 3, line 67-column 5, line 25).

(6) regarding claim 7:

Azima et al. further disclose the method according to claim 1 further comprising the step of: appending said first output data for each specific band out of said plurality of bands, thus obtaining said output data in said first output format (column 3, lines 52-65; note that converting each raster into TIFF format then creating a second PDL file that includes converting each of the selected subset into TIFF format).

(7) regarding claim 8:

Azima et al. further disclose a system for processing data comprising:

means for defining a plurality of bands constituting said output data (column 3, lines 48-52; note that the output data includes creating a page having one or more separations with an imaging application); for each specific band out of said plurality of bands:

i) means for generating by a renderer from said input data first output data for said specific band in said first output format (column 5, lines 44-47, lines 61-63; note that the input image or file get RIPed and outputted to the first output format);

ii) means for generating, from said first output data, second output data for said specific band in said second output format (column 5, lines 44-47, column 6, lines 2-5; note that the input image or file get RIPed and outputted to the second output format)

means for sending said output data in said first output format to a main output device (column 7, lines 4-15; note that the output data is transmitted from the printer driver to the main output device i.e. the image setter); and

means for sending said output data in said second output format to a proofing device (column 7, lines 16-28; lines 30-36; note that the proofing device interprets the bitmap raster files or contone images to process the PDL that are sent).

(8) regarding claim 9:

Azima et al. further disclose the system according to claim 8 further comprising said wherein said main output device is an imagesetter, a platesetter or a proofing device (column 7, lines 4-15; note that the output data is transmitted from the printer driver to the main output device i.e. the imagesetter).

(9) regarding claim 11:

Azima et al. further disclose a computer program running on a computer for rendering input data simultaneously into output data in a first output format (68, figure 1, column 3, lines 59-61; note that each raster gets converted into TIFF format) and in a second output format (46, figure 1; column 3, lines 61-65; note that each of the selected subset of the rasters get converted and wrapped the TIFF format rasters in page description language), the computer program comprising:

defining a plurality of bands constituting said output data (column 3, lines 48-52; note that the output data includes creating a page having one or more separations with an imaging application);

for each specific band out of said plurality of bands:

i) generating by a renderer from said input data first output data for said specific band in said first output format (column 5, lines 44-47, lines 61-63; note that the input image or file get RIPPed and outputted to the first output format);

ii) generating, from said first output data, second output data for said specific band in said second output format (column 5, lines 44-47, column 6, lines 2-5; note that the input image or file get RIPPed and outputted to the second output format);

sending said output data in said first output format to a main output device (column 7, lines 4-15; note that the output data is transmitted from the printer driver to the main output device i.e. the image setter);

and sending said output data in said second output format to a proofing device (column 7, lines 16-28; lines 30-36; note that the proofing device interprets the bitmap raster files or contone images to process the PDL that are sent).

(10) regarding claim 12:

Azima et al. further disclose a readable medium running comprising a program code when run on a computer for rendering input data simultaneously into output data in a first output format (68, figure 1, column 3, lines 59-61; note that each raster gets converted into TIFF format) and in a second output format (46, figure 1; column 3, lines 61-65; note that each of the selected subset of the rasters get converted and wrapped the TIFF format rasters in page description language), the computer program comprising:

defining a plurality of bands constituting said output data (column 3, lines 48-52; note that the output data includes creating a page having one or more separations with an imaging application);

for each specific band out of said plurality of bands:

i) generating by a renderer from said input data first output data for said specific band in said first output format (column 5, lines 44-47, lines 61-63; note that the input image or file get RIPPed and outputted to the first output format);

ii) generating, from said first output data, second output data for said specific band in said second output format (column 5, lines 44-47, column 6, lines 2-5; note that the input image or file get RIPPed and outputted to the second output format);

sending said output data in said first output format to a main output device (column 7, lines 4-15; note that the output data is transmitted from the printer driver to the main output device i.e. the image setter);

and sending said output data in said second output format to a proofing device (column 7, lines 16-28; lines 30-36; note that the proofing device interprets the bitmap raster files or contone images to process the PDL that are sent).

(11) regarding claim 13:

Azima et al. further disclose the computer program of claim 11 wherein the step of sending said output data in said first output format to a main output device comprises sending said output data to an imagesetter, a platesetter or a proofing device (column 7,

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lines 4-15; note that the output data is transmitted from the printer driver to the main output device i.e. the imagesetter).

(12) regarding claim 14:

Azima et al. further disclose a computer program product for rendering input data simultaneously into output data in a first output format (68, figure 1, column 3, lines 59-61; note that each raster gets converted into TIFF format) and in a second output format (46, figure 1; column 3, lines 61-65; note that each of the selected subset of the rasters get converted and wrapped the TIFF format rasters in page description language), the computer program product comprising:

first program instructions for defining a plurality of bands constituting said output data (column 3, lines 48-52; note that the output data includes creating a page having one or more separations with an imaging application);

second program instructions for, for each specific band out of said plurality of bands:

i) generating by a renderer from said input data first output data for said specific band in said first output format (column 5, lines 44-47, lines 61-63; note that the input image or file get RIPed and outputted to the first output format); and

ii) generating, from said first output data, second output data for said specific band in said second output format (column 5, lines 44-47, column 6, lines 2-5; note that the input image or file get RIPed and outputted to the second output format);

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third program instructions for sending said output data in said first output format to a main output device (column 7, lines 4-15; note that the output data is transmitted from the printer driver to the main output device i.e. the image setter); and

fourth program instructions for sending said output data in said second output format to a proofing device (column 7, lines 16-28; lines 30-36; note that the proofing device interprets the bitmap raster files or contone images to process the PDL that are sent).

(13) regarding claim 16:

Azima et al. further disclose the computer program product according to claim 14 wherein said main output device is an imagesetter or a platesetter (column 7, lines 4-15; note that the output data is transmitted from the printer driver to the main output device i.e. the imagesetter).

(14) regarding claim 17:

Azima et al. further disclose the computer program product according to claim 14 wherein said first output data for said specific band comprise data for a plurality of colors (column 6, lines 6-16; note that the imagesetter images the raster data for each color into film).

(15) regarding claim 18:

Azima et al. further disclose the computer program according to claim 14 further comprising:

fifth program instructions for temporarily storing a first portion of said first output data for said specific band wherein said first portion adjoins data for another specific band out of said plurality of bands (column 3, line 67-column 4, line 12; note that a preproofer selects a subset of the rasters for proofing and combining each of the subset of rasters to create a second page description language); and

sixth program instructions for using said first portion of said first output data for said specific band for connecting said second output data for said specific band to said second output data for said other specific band (column 3, lines 52-65; note that converting each raster into TIFF format then creating a second PDL file that includes converting each of the selected subset into TIFF format).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Azima et al. (US Patent Number 6,252,676 B1, see IDS) as applied to claim 14 above, and in view of Lucivero et al. (US Patent Number 7,242,487 B2).

(1) regarding claim 15:

Azima et al. disclose all of the subject matter as described as above except for specifically teaching a computer readable medium wherein said first, second, third and fourth program instructions are recorded on said medium.

However, Lucivero et al. disclose a computer readable medium wherein said first, second, third and fourth program instructions are recorded on said medium (column 9, lines 30-45; note that the print drive comprises a plurality of software modules operating on a standard computer platform and the program instructions are stored in data storage medium 55 of figure 3).

Azima et al. and Lucivero et al. are combinable because they are from the same field of endeavor. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art to have a computer readable medium wherein said first, second, third and fourth program instructions are recorded on said medium. The suggestion/motivation for doing so would have been to provide a system with expansion capabilities (column 6, lines 59-60). Therefore, it would have been obvious to combine Azima et al. with Lucivero et al. to obtain the invention as specified in claim 15.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brandy (US Patent Number 5,692,112) discloses a method and apparatus for buffering data between a raster image processor and an output device.

Brandy (US Patent Number 7,170,641 B2) discloses a method of generating medium resolution proofs from high-resolution image data.

10. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Hilina Kassa whose telephone number is (571) 270-1676.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb could be reached at (571) 272- 7406.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


TWYLER LAMB
SUPERVISORY PATENT EXAMINER

Hilina Kassa

September 24, 2007

